CLASSIFICATION OFFICE DECISION

Title of publication:	e243d2a6df9e7bf7
Other known title(s):	Not stated
OFLC ref:	1200777.007
Medium:	Computer Image File Printout
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Waitakere District Court
Classification:	Unrestricted.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	01 October 2012
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	No notice of decision has been issued

Summary of reasons for decision:

The printout has a photographic image showing a naked prepubescent girl relaxing on a beach. The girl's position obscures her genital area. Although a barely readable logo indicates that its source is the internet, the image cannot reasonably be regarded as sexual in nature. It has no sexual content and little evidence of a sexual purpose apart from the logo. It could well be a snapshot taken at a family occasion or naturist gathering. A viewer's predisposition to regard any image of nudity as having a sexual meaning may result in a sexual interpretation, but to others the image simply depicts a young girl in an environment where nudity may not be unusual.

There are no sexual elements in the image and it raises no issues under s3(1), s3A or s3B of the Films, Videos, and Publications Classification Act 1993. The printout must, therefore, be classified as unrestricted. This classification is consistent with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990.